



DAC

PATENT

Docket No.: 36287-01301

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : WISE et al.

Serial No. : 09/817,439 Group Art Unit : 2161

Filed : March 26, 2001 Examiner : TBA

For : **SYSTEM AND METHOD FOR ESTIMATING CONDUIT
LIQUIDITY REQUIREMENTS IN ASSET BACKED
COMMERCIAL PAPER**

CERTIFICATE OF MAILING (37 C.F.R. § 1.8(a))

Box DAC
ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

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JUN 05 2002

OFFICE OF PETITIONS

Sir:

I hereby certify that the attached:

1. Request for Reconsideration;
2. Declaration by Chris L. Holm;
3. Copies of e-mail rules certification; and
4. Return Receipt Postcard

along with any paper(s) referred to as being attached or enclosed and this Certificate of Mailing are being deposited with the United States Postal Service on the date shown below with sufficient postage as first-class mail in an envelope addressed to the: Assistant Commissioner For Patents, Washington, D.C. 20231.

Respectfully submitted,
Milbank Tweed Hadley & McCloy LLP

Chris L. Holm

Mag 29, 2002

Milbank Tweed Hadley & McCloy LLP
1 Chase Manhattan Plaza
New York, NY 10005
(212)530-5000 / (212)530-5219 (facsimile)

7



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**REQUEST FOR RECONSIDERATION OF PETITION
UNDER 37 CFR § 1.47(b)**

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Box DAC
ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

JUN 05 2002
OFFICE OF PETITIONS

Sir:

The undersigned hereby submits a Request For Reconsideration of Petition under 37 C.F.R. § 1.47(b).

Background On May 1, 2002, the Office of Petitions mailed a Decision Refusing Status under 37 C.R.F. § 1.47(b) for the above-identified case. The Decision stated that the petitioner has failed to satisfy the following requirements: “(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration” and “(5) proof of proprietary interest”.

With regard to proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration, the Decision states that “[n]o showing of delivery of the application papers to the inventor has been made. ... Accordingly, the inventors have not refused to sign after being given an opportunity to review the application within the meaning of 37 C.F.R. § 1.47.” The Decision states that “it is not clear whether Mr. Pellegrini refused delivery or simply was not home at the time that the letter was delivered. Further attempts are warranted.”

With regard to proof of proprietary interest, the Decision states that “no evidence

is submitted of the inventors asset to [Applicant's 'Worldwide Rules']. Copies of the alleged assent to them that Mr. Cadel attests to are requested upon reconsideration."

Petitioner was given two months to respond, correcting the above-noted deficiency.

Response With regard to proof that the inventor refuses to sign the oath or declaration. In a telephone conference between the undersigned and Mr. Ledford, of the Office of Petitions, the factual circumstances of the case and the Decision were discussed, with a specific discussion of the form of additional attempts to contact the Mr. Pellegrini. In view of the facts of the case, Mr. Ledford agreed that if the undersigned contacted Mr. Pellegrini by telephone, explained the facts of the case with an offer to forward a copy of the patent application and an accompanying declaration for review and signature, and in response to that explanation and offer, Mr. Pellegrini indicated that he would not sign a declaration to accompany the patent application, then a declaration by the undersigned attesting to the conversation would likely overcome the ground for denial of the petition for failure to show "(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration".

The undersigned hereby encloses a Declaration attesting to a conversation with Mr. Pellegrini on May 28, 2002, and the verbal refusal by Mr. Pellegrini during that conversation to sign the offered declaration for the patent application.

With regard to proof of proprietary interest, the undersigned hereby encloses a copy of the electronic certifications, executed in November 1999 by each of the named inventors, acknowledging receipt of the Worldwide Rules and assent to the Worldwide Rules.

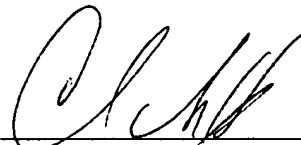
The undersigned respectfully submits that this response and appended enclosures overcome the bases for refusal of the earlier Petition for status under 37 C.F.R. § 1.47(b). Accordingly, grant of the Petition granting status under 37 C.F.R. § 1.47(b) is hereby requested.

No extension of time or additional fee is believed due for this response.

However, in the event that the Commissioner determines an extension of time is due, the undersigned hereby petitions for the required extension of time. Similarly, if the Commissioner determines that an additional fee is due, the undersigned hereby authorizes the Commissioner to charge the additional fee or credit any overage to the Deposit Account of Milbank Tweed (#13-3250).

If there are any questions, the undersigned would appreciate a telephone call to the indicated number.

Respectfully submitted,
Milbank, Tweed, Hadley & McCloy, LLP



Chris L. Holm
Reg. No.: 39,227

May 29, 2002

Milbank, Tweed, Hadley & McCloy LLP
1 Chase Manhattan Plaza
New York, NY 10005-1413

(212) 530-5000 / (212) 530-5219 (facsimile)

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DECLARATION

I, Chris L. Holm, do hereby state:

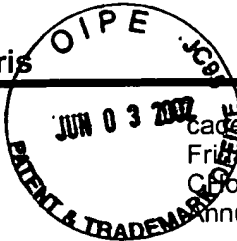
1. I am an attorney associated with the firm of Milbank Tweed Hadley & McCloy LLP, in New York, NY, and registered to practice before the United States Patent Bar (#39,227).
2. On the afternoon of May 28, 2002, I contacted Mr. Roger J. Pellegrini by telephone at his office. During a conversation with Mr. Pellegrini, I explained our earlier unsuccessful attempts to deliver by certified mail a copy of patent application Serial No. 09/817,439, on which he is a named inventor, with enclosed declaration and assignment documents.
3. I offered to forward another copy of the patent application and declaration for his review and signature, and also explained his rights to review the patent application and sign the declaration.
4. At the end of the telephone conversation, Mr. Pellegrini told me that he would not sign a declaration for this patent application.
5. I make this declaration under oath and without reservation.

May 29, 2002 date
Chris L. Holm

Chris L. Holm, #39,227

Holm, Chris

From: cadel_a@jpmorgan.com
Sent: Friday, October 12, 2001 12:27 PM
To: C.Holm@milbank.com
Subject: Annual Rules Certification-CEN# 5121



pic09905.pcx

as discussed

Best regards,

Andy

Andy Cadel
J.P. Morgan Chase & Co.
Vice President & Assistant General Counsel
(212) 552 5699
cadel_a@jpmorgan.com
----- Forwarded by Andrew N Cadel on 10/12/2001 12:27 PM -----

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Annual Rules
Certification

10/12/2001
10:58 AM

To: Andrew N Cadel@JPMORGAN
cc:
Subject: Annual Rules Certification-CEN# 5121

Electronic copy of the Annual Rules Certification made by John Rhinelander on 11/17/99, that you requested. George Gentsch, Compliance.

(Embedded image moved to file: pic09905.pcx)

To: Annual Rules Certification@JPMORGAN
cc:
From: John Rhinelander
Sent: Wed 11/17/99 08:17:06 AM
Subject: Annual Rules Certification-CEN# 5121

Corporate Employee Number: 5121

Confirmation:

I acknowledge and certify that:

- 1) I have received the revised Worldwide Rules; and
- 2) I have read and understand the Worldwide Rules and all supplemental rules, policies and procedures that apply to my specific work or location, including where applicable the restrictions on the solicitation of J. P. Morgan clients and personnel that apply during and after my employment at Morgan; and
- 3) I have read and understand the J.P. Morgan Corporate Information Risk Policy and the J.P. Morgan Vacation Policy; and
- 4) I have complied in the past with such rules, policies, procedures, and standards of conduct then in effect and will comply with current rules, policies, procedures, and standards of conduct in the future; and
- 5) I maintain all of my personal and employee-associated securities

accounts (as defined in the Worldwide Rules) at a designated broker if that
is required in my location, and preclear personal securities transactions,
unless I have received a written exemption from Compliance.

Holm, Chris

From: cadel_a@jpmorgan.com
Sent: Friday, October 12, 2001 12:28 PM
To: CHolm@milbank.com
Subject: Annual Rules Certification-CEN# 10206



pic10712.pcx

as discussed

Best regards,

Andy

Andy Cadel
J.P. Morgan Chase & Co.
Vice President & Assistant General Counsel
(212) 552 5699
cadela@jpmorgan.com
----- Forwarded by Andrew N Cadel on 10/12/2001 12:27 PM -----

Annual Rules
Certification

To: Andrew N Cadel@JPMORGAN
cc:
Subject: Annual Rules Certification-CEN#

10206

10/12/2001
10:56 AM

Electronic copy of the Annual Rules Certification made by Roger Pellegrini on 11/15/99, that you requested. George Gentsch, Compliance.

(Embedded image moved to file: pic10712.pcx)

To: Annual Rules Certification@JPMORGAN
cc:
From: Roger Pellegrini
Sent: Mon 11/15/99 11:08:07 AM
Subject: Annual Rules Certification-CEN# 10206

Corporate Employee Number: 10206

Confirmation:

I acknowledge and certify that:

- 1) I have received the revised Worldwide Rules; and
- 2) I have read and understand the Worldwide Rules and all supplemental rules, policies and procedures that apply to my specific work or location, including where applicable the restrictions on the solicitation of J. P. Morgan clients and personnel that apply during and after my employment at Morgan; and
- 3) I have read and understand the J.P. Morgan Corporate Information Risk Policy and the J.P. Morgan Vacation Policy; and
- 4) I have complied in the past with such rules, policies, procedures, and standards of conduct then in effect and will comply with current rules, policies, procedures, and standards of conduct in the future; and
- 5) I maintain all of my personal and employee-associated securities

accounts (as defined, in the Worldwide Rules) at a designated broker if that is required in my location, and preclear personal securities transactions, unless I have received a written exemption from Compliance.

Holm, Chris

From: cadel_a@jpmorgan.com
Sent: Friday, October 12, 2001 12:28 PM
To: chholm@milbank.com
Subject: Annual Rules Certification-CEN# 124419



pic03557.pcx

as discussed

Best regards,

Andy

Andy Cadel
J.P. Morgan Chase & Co.
Vice President & Assistant General Counsel
(212) 552 5699
cadel_a@jpmorgan.com
----- Forwarded by Andrew N Cadel on 10/12/2001 12:28 PM -----

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JUN 05 2002

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Annual Rules
Certification

To: Andrew N Cadel@JPMORGAN
cc:
Subject: Annual Rules Certification-CEN#

124419

10/12/2001
10:54 AM

Electronic copy of the Annual Rules Certification made by Eric S Wise on 11/15/99, that you requested. George Gentsch, Compliance.

(Embedded image moved to file: pic03557.pcx)

To: Annual Rules Certification@JPMORGAN
cc:
From: Eric S Wise
Sent: Mon 11/15/99 09:56:40 AM
Subject: Annual Rules Certification-CEN# 124419

Corporate Employee Number: 124419

Confirmation:

I acknowledge and certify that:

- 1) I have received the revised Worldwide Rules; and
- 2) I have read and understand the Worldwide Rules and all supplemental rules, policies and procedures that apply to my specific work or location, including where applicable the restrictions on the solicitation of J. P. Morgan clients and personnel that apply during and after my employment at Morgan; and
- 3) I have read and understand the J.P. Morgan Corporate Information Risk Policy and the J.P. Morgan Vacation Policy; and
- 4) I have complied in the past with such rules, policies, procedures, and standards of conduct then in effect and will comply with current rules, policies, procedures, and standards of conduct in the future; and

5) I maintain all of my personal and employee-associated securities accounts (as defined in the Worldwide Rules) at a designated broker if that is required in my location, and preclear personal securities transactions, unless I have received a written exemption from Compliance.